

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

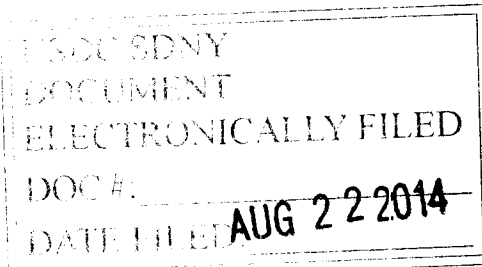
**Affirmation in Support of
Application for Order of Continuance**

ALBERT SHINDER,

13 Mag. 1059

Defendant.

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State of New York)
County of New York : ss.:
Southern District of New York)



Rebecca Mermelstein, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Preet Bharara, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. §3161(h)(7)(A).

2. The defendant was charged in a complaint dated May 15, 2014, with a violation of Title 18, United States Code, Sections 1341, 1343 and 1349. The defendant was arrested on May 21, 2014, and was presented before Magistrate Judge James Cott on May 22, 2014. The defendant was then represented by Robert Stahl, Esq. and ordered released on the following conditions: a \$1,00,000 personal recognizance bond, secured by three pieces of real property, and cosigned by 1 financially responsible adult, travel restricted to the Southern and Eastern Districts of New York and the District of New Jersey, surrender travel documents and no new applications, surrender firearms and license to local police station and refrain from possessing firearms or dangerous weapons, no contact with case witnesses, and drug testing if an initial drug test was positive.


3. At the initial presentment, defense counsel consented to a waiver of his client's right pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure to a preliminary hearing within 30 days of the initial appearance. Accordingly, under the Speedy Trial Act the Government initially had until June 23, 2014 within which to file an indictment or information. On or about June 23, 2014, with the consent of defense counsel, the Honorable James C. Francis, United States Magistrate Judge, entered an order extending the time within which to file an indictment or information to July 23, 2014. On or about July 23, 2014, with the consent of defense counsel, the Honorable Michael H. Dolinger, United States Magistrate Judge, entered an order extending the time within which to file an indictment or information to August 22, 2014.

4. Defense counsel Robert Stahl and Henry Mazurek and I have had discussions regarding a possible disposition of this case beginning on May 22, 2014 and continuing to as recently as August 14, 2014. The negotiations have not been completed and we plan to continue our discussions, but do not anticipate a resolution before the deadline under the Speedy Trial Act expires on August 22, 2014.

5. Therefore, the Government is requesting a 30-day continuance until September 21, 2014, to continue the foregoing discussions and reach a disposition of this matter. On August 14, 2014, I personally communicated with defense counsel Henry Mazurek who specifically consented to this request.

6. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: New York, New York
August 14, 2014


Rebecca Mermelstein
Assistant United States Attorney
212-637-2360